

DUSTIN GRENON

June 5, 2012

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<p>1 A. About that.</p> <p>2 Q. Okay. Well, let me break it down this way:</p> <p>3 Obviously you weren't a port captain assigned to every</p> <p>4 single vessel of all of the captains' logs you reviewed</p> <p>5 for your analysis; correct?</p> <p>6 A. That's correct.</p> <p>7 Q. And the captains' logs reflect purported activity</p> <p>8 on and about the vessel; correct?</p> <p>9 A. That's correct.</p> <p>10 Q. And you, yourself, you were not on the vessels</p> <p>11 when any of that activity occurred; were you?</p> <p>12 A. I was at certain times, yes.</p> <p>13 Q. Okay. What's the percentage of time that you</p> <p>14 were on actually on the vessel during any of the time --</p> <p>15 strike that.</p> <p>16 You reviewed thousands of captains' logs for your</p> <p>17 analysis; right?</p> <p>18 A. Correct.</p> <p>19 Q. If you had to venture a guess -- and I'm not</p> <p>20 going to hold you to it -- how many days out of all of</p> <p>21 the hundreds and thousands captain logs?</p> <p>22 A. Less than 30 days.</p> <p>23 MR. GRIFFITH:</p> <p>24 Object to the form.</p> <p>25 BY MR. OBERTI:</p>	<p>1 crew members could have done them on any given day.</p> <p>2 Q. Right. I get you, but my only point is, there's</p> <p>3 no document of it; right?</p> <p>4 A. It's not required.</p> <p>5 Q. I'm not saying you should have done it. I'm just</p> <p>6 saying it doesn't exist; right? There's no</p> <p>7 documentation of it; right?</p> <p>8 A. I'm not saying that I have any documentation of</p> <p>9 it. It's not required of me.</p> <p>10 Q. You don't know of any documentation of a lot of</p> <p>11 things that people may have done associated with the</p> <p>12 barges; correct?</p> <p>13 MR. GRIFFITH:</p> <p>14 Object to the form.</p> <p>15 THE WITNESS:</p> <p>16 Correct.</p> <p>17 BY MR. OBERTI:</p> <p>18 Q. And you would agree with me that the claimants</p> <p>19 themselves are in a better position to say from personal</p> <p>20 knowledge of what they actually did on a day-to-day</p> <p>21 basis?</p> <p>22 MR. GRIFFITH:</p> <p>23 Object to the form.</p> <p>24 THE WITNESS:</p> <p>25 Not necessarily. I mean, I evaluated</p>
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<p>1 Q. Less than 30?</p> <p>2 A. That's an estimate, less than 30.</p> <p>3 Q. Obviously a very small percentage overall;</p> <p>4 correct?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. And I think you've already testified that</p> <p>7 on some of the items that we ticked off at the beginning</p> <p>8 of the deposition you said there's not even a record</p> <p>9 that that activity; right?</p> <p>10 A. Correct.</p> <p>11 Q. And so based on what Blessey requires of the</p> <p>12 captains' logs to reflect, there's no requirement that</p> <p>13 everything that the tankermen do be reflected on a</p> <p>14 captain's log; right?</p> <p>15 MR. GRIFFITH:</p> <p>16 Object to the form.</p> <p>17 THE WITNESS:</p> <p>18 It's impossible.</p> <p>19 BY MR. OBERTI:</p> <p>20 Q. It's not required?</p> <p>21 A. It's not required.</p> <p>22 Q. So there's different activities that we talked</p> <p>23 about involving maintaining the barge or checking the</p> <p>24 barge that wouldn't be reflected in any document; right?</p> <p>25 A. It wouldn't be necessary to document. Any of the</p>	<p>1 all of the logs and calculated the maximum number of</p> <p>2 hours that would be possible for them to be in cargo</p> <p>3 operations.</p> <p>4 BY MR. OBERTI:</p> <p>5 Q. Cargo transfers?</p> <p>6 A. Cargo transfers; correct.</p> <p>7 Q. As you defined it?</p> <p>8 A. Right.</p> <p>9 Q. Right. My question is not that narrow, though.</p> <p>10 My question is, if you're trying to figure out what any</p> <p>11 of those claimants did, not just for how you define</p> <p>12 cargo transfers, but just what they were actually doing</p> <p>13 on a day-to-day basis when they were on a vessel, they</p> <p>14 would be in a better position to testify that from</p> <p>15 personal knowledge; correct?</p> <p>16 MR. GRIFFITH:</p> <p>17 I'm going to object to the form.</p> <p>18 THE WITNESS:</p> <p>19 That's correct. I can't know what every</p> <p>20 single person is doing.</p> <p>21 BY MR. OBERTI:</p> <p>22 Q. Had you ever been discipline while you were</p> <p>23 employed by Blessey?</p> <p>24 A. Yes.</p> <p>25 Q. And what did you receive at Blessey?</p>

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<p>1 A. I was terminated in 2001 for consensual sexual 2 conduct with a coworker during a company function. 3 Q. The conduct was during the company function? 4 A. No, it wasn't during the company function. 5 Q. All right. That's against company policy, 6 consensual sex? 7 MR. GRIFFITH: 8 I'm going to object to the form. 9 MR. OBERTI: 10 That's like no fun. Just kidding. 11 BY MR. OBERTI: 12 Q. So you were terminated in 2001. You were listed 13 eligible for rehire, I guess? 14 A. Correct. 15 Q. When did you go back to work for them? 16 A. Six months after that. 17 Q. And have you ever been terminated by any other 18 company? 19 A. Yes, as a matter of fact, I have. 20 Q. Who else? 21 A. I was terminated from Hollywood Marine Services. 22 Q. For what? 23 A. For allegedly mooning a civilian on a bank. 24 Q. On a river bank? 25 A. Yes.</p>	<p>1 A. Well, the tow in general. 2 Q. Okay. And I notice in the captains' logs, for 3 example, the captain's log will actually say, "Secure," 4 and then there will be a number. 5 MR. GRIFFITH: 6 Which exhibit are you looking at? 7 MR. OBERTI: 8 Exhibit 21, for example. 9 MR. GRIFFITH: 10 We don't have anything in 21. 11 MR. OBERTI: 12 Oh, yes. I'm sorry. 13 Here. If you guys want to make some 14 copies of these. 15 MR. GRIFFITH: 16 Do you want to take a break. 17 MR. OBERTI: 18 Yes. We'll take a break. 19 (A recess was taken.) 20 BY MR. OBERTI: 21 Q. All right. We're back on the record. 22 Mr. Grenon, just for clarity, and I think we all 23 agree, obviously you didn't include any of the 24 tankermen's travel time as cargo transfers in your 25 analysis; correct?</p>
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<p>1 Q. Mooning, just so that we're clear, meaning 2 pulling down your pants and showing them your ass? 3 A. That's correct. 4 Q. And, like, how did this bubble up into a 5 complaint that was somehow connected to your particular 6 rear end? 7 A. Myself and the pilot I was working with were 8 pranking some of the deckhands who were also working 9 with us, and apparently somebody on the bank saw us and 10 called in to the office. 11 Q. Okay. So you were mooning, but your intended 12 mooner was the deckhand, not this supposed civilian on 13 the river bank? 14 A. Sure. Yes. 15 Q. Have you been terminated by any other companies, 16 other than Blessey and Hollywood Marine? 17 A. No. 18 Q. Have you received any discipline at Blessey 19 Marine, other than the termination? 20 A. No. 21 Q. Okay. Now, when a vessel pulls up to a dock to 22 either load or unload, does the vessel first need to be 23 secured somehow? 24 A. Yes. 25 Q. Does the barge need to be secured?</p>	<p>1 A. No, I did not. 2 Q. It didn't play into your analysis at all; 3 correct? 4 A. No. 5 Q. Is that correct? 6 A. That's correct. 7 Q. And looking at Exhibit Number 21 here, this 8 appears to be a captain's log from the vessel Melvin 9 Todd for Sunday, September 20th, 2009; correct? 10 A. Which exhibit are you looking at? 11 MR. GRIFFITH: 12 21. 13 BY MR. OBERTI: 14 Q. Oh, I'm sorry. Hold on. Exhibit Number 21 15 appears to be a captain's log from the vessel Dreama 16 Klaiber for Friday, June 5th, 2009; correct? 17 A. Correct. 18 Q. And up that top left is the name of Blessey 19 Marine Services and it's address; correct? 20 A. Yes. 21 Q. And they all have that, all of the captains' logs 22 have that up there? 23 A. Yes. 24 Q. And then they list the name of the vessel, in 25 this case, the Dreama Klaiber?</p>

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<p>1 A. Yes.</p> <p>2 Q. And then there's a trip number assigned?</p> <p>3 A. Yes.</p> <p>4 Q. What does that reflect?</p> <p>5 A. What that reflects is DK, meaning that it was</p> <p>6 originally assigned to Dreama Klaiber. Each boat has a</p> <p>7 two-letter code. 06 being the month. 09 being the</p> <p>8 year. Number 1 being the first trip that it was</p> <p>9 assigned to in the month of June. And the marketing</p> <p>10 department creates that number.</p> <p>11 Q. Okay. So then it says, "Fuel on board: 31,380";</p> <p>12 correct?</p> <p>13 A. Correct.</p> <p>14 Q. That is that just -- does that mean...</p> <p>15 A. That's just on the boat.</p> <p>16 Q. Oh, not the barges?</p> <p>17 A. That's just the boat.</p> <p>18 Q. Meaning obviously fuels needed to power the boat</p> <p>19 itself?</p> <p>20 A. Correct.</p> <p>21 Q. Gasoline?</p> <p>22 A. Diesel fuel.</p> <p>23 Q. It also says "Fuel purchases," nothing there.</p> <p>24 "Lube on board", what's that?</p> <p>25 A. That would be lube oil on board the vessel.</p>	<p>1 piece would be a -- to better cut through the water.</p> <p>2 Q. Okay. Is there any numbering or lettering</p> <p>3 associated with the barges that reflect whether or not</p> <p>4 they're a heater barge?</p> <p>5 A. Yes.</p> <p>6 Q. Is there a designation for a heater barge?</p> <p>7 A. All 200 series barges are 30,000-barrel-capacity,</p> <p>8 black oil barges.</p> <p>9 Q. A black oil barge is synonymous with a heater</p> <p>10 barge?</p> <p>11 A. Correct.</p> <p>12 Q. What about clean chemical barge; is there a</p> <p>13 numerical or...</p> <p>14 A. Thirty-thousand-barrel, clean chemical barges are</p> <p>15 300 series, 20 to 25,000 400 series, 10,000 barrel are</p> <p>16 100 series barges.</p> <p>17 Q. Is there any designation associated with</p> <p>18 liquefied gas barges?</p> <p>19 A. Yes, they're "P", that's the letter "P", 1</p> <p>20 through 6.</p> <p>21 Q. All right. So this captain's log reflects one</p> <p>22 full day's activities?</p> <p>23 A. Yes.</p> <p>24 Q. And is each captain's log supposed to reflect one</p> <p>25 full day's activities?</p>
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<p>1 Q. Stored somewhere or in active use?</p> <p>2 A. That's stored.</p> <p>3 Q. Okay. And then over here, we have the barges,</p> <p>4 they have them identified as WEB 246 T and WEB 258?</p> <p>5 A. Correct.</p> <p>6 Q. And then Number 2 is next to them?</p> <p>7 A. Yes.</p> <p>8 Q. What does that mean?</p> <p>9 A. I have no idea.</p> <p>10 Q. So is it two barges assigned to this tow boat at</p> <p>11 this time?</p> <p>12 A. It would appear so, yes.</p> <p>13 Q. And WEB, does that stand for Walter E. Blessey?</p> <p>14 A. Yes, it does.</p> <p>15 Q. And are all of the barges numbered?</p> <p>16 A. Yes.</p> <p>17 Q. Do they all start out with WEB?</p> <p>18 A. I believe so.</p> <p>19 Q. Does it reflect something?</p> <p>20 A. Yes. "T" means that the barge is a trail piece</p> <p>21 and it has a raked configuration on each end of the</p> <p>22 barge, bow and stern.</p> <p>23 Q. What is a "raked configuration"?</p> <p>24 A. A barge either has a boxed end or a raked end</p> <p>25 box, meaning a flat, horizontal box end, or a trail</p>	<p>1 A. Yes.</p> <p>2 Q. Starting with essentially midnight?</p> <p>3 A. Correct.</p> <p>4 Q. And going to right before midnight --</p> <p>5 A. Correct.</p> <p>6 Q. -- the night before?</p> <p>7 A. Correct.</p> <p>8 Q. So the first entry says "Barges", and then it</p> <p>9 lists the two barges; correct?</p> <p>10 A. Yes.</p> <p>11 Q. And then the next entry, it says, "ST/by Chevron</p> <p>12 Pascagoula", meaning standby Chevron at Chevron</p> <p>13 Pascagoula?</p> <p>14 A. Yes.</p> <p>15 Q. "Without DKSP", what does that mean?</p> <p>16 A. Waiting on dock space.</p> <p>17 Q. Okay. And then it says "An estimated 65 at</p> <p>18 noon"?</p> <p>19 A. Correct.</p> <p>20 Q. Meaning that it's estimated that we'll be able to</p> <p>21 start pumping then, or that's when the dock will come</p> <p>22 open?</p> <p>23 A. That's an estimate that the dock is giving them,</p> <p>24 either that their dock is going to open up or that</p> <p>25 they're going to start discharging.</p>

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<p>1 Q. So sometimes, like appears to be the case here,</p> <p>2 the vessel will just be standing by outside of a dock</p> <p>3 waiting for the dock to come open?</p> <p>4 A. Correct. They may be waiting on the dock, they</p> <p>5 may be in the fleeting area, they may be tied up in the</p> <p>6 trees above and below the dock. It just depends.</p> <p>7 Q. And meaning that apparently -- does this mean</p> <p>8 somebody else is loading and unloading at the dock?</p> <p>9 A. Not necessarily.</p> <p>10 Q. It could be that it's not reedy for them for some</p> <p>11 reason?</p> <p>12 A. Yeah. There's a number of reasons.</p> <p>13 Q. So what happens on the vessel during this standby</p> <p>14 period; just a bunch of waiting?</p> <p>15 A. Just all depends on if the captain has anything</p> <p>16 for the crew to do.</p> <p>17 Q. So the captain might ask them to do some chores?</p> <p>18 A. Potentially, yes.</p> <p>19 Q. And obviously you've been on a vessel before in</p> <p>20 this situation; right?</p> <p>21 A. Yes.</p> <p>22 Q. What usually happens?</p> <p>23 A. It really does all depend.</p> <p>24 Q. Okay.</p> <p>25 A. They may be sitting on the boat watching movies</p>	<p>1 Q. How do you know they're discharging?</p> <p>2 A. I can look down low on the log an I can see RPMs</p> <p>3 and pressures.</p> <p>4 Q. Okay. And does "DSG" mean discharge?</p> <p>5 A. Yes.</p> <p>6 Q. All right. So is it typical or atypical for</p> <p>7 there to be about a 50-minute gap between the time the</p> <p>8 barge is secured and the time the hose actually goes on?</p> <p>9 A. It really does depend.</p> <p>10 Q. What's the range?</p> <p>11 A. It could be a day.</p> <p>12 Q. Why would it be a day? Just basically --</p> <p>13 A. Depending on the dock, depending on what's going</p> <p>14 on. There are some docks that there's no other place to</p> <p>15 tie off other than the docks, and when you get there,</p> <p>16 you're tied off of the dock and secured and you may be</p> <p>17 secured for over 24 hours.</p> <p>18 Q. I see what you mean. It's essentially you're</p> <p>19 standing by, but you happen to be secured?</p> <p>20 A. Correct.</p> <p>21 Q. And then it looks like it actually did start</p> <p>22 discharging just as predicted at noon; correct?</p> <p>23 MR. GRIFFITH:</p> <p>24 Objection to the form.</p> <p>25 THE WITNESS:</p>
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<p>1 for a day.</p> <p>2 Q. Okay. So sometimes you might be asked to do some</p> <p>3 other type of work, and sometimes, if there's nothing</p> <p>4 else to do, you might just be literally waiting?</p> <p>5 A. Correct.</p> <p>6 Q. Even if you're literally waiting, the tankermen</p> <p>7 is still working his regular shift; right?</p> <p>8 A. He's working a watch; correct.</p> <p>9 Q. And obviously he's getting paid his normal day</p> <p>10 rate?</p> <p>11 A. Correct.</p> <p>12 Q. Okay. And according to this log, it appears that</p> <p>13 the hose first went on barge number 258 at 9:15; is that</p> <p>14 correct?</p> <p>15 A. Seems to be.</p> <p>16 Q. And it had been secured at 8:25?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. So it looks like in this case there was</p> <p>19 about a 50-minute gap between the time the barge was</p> <p>20 secured at the dock and the time that the hose actually</p> <p>21 went on?</p> <p>22 A. Yes.</p> <p>23 Q. And is this one where they're loading or</p> <p>24 unloading; can you tell?</p> <p>25 A. Yes. I believe they're discharging.</p>	<p>1 No.</p> <p>2 BY MR. OBERTI:</p> <p>3 Q. No?</p> <p>4 A. Looks like it started discharging at 10:20.</p> <p>5 Q. Oh, I'm sorry. You're right.</p> <p>6 Started discharging at 10:20, then what happened</p> <p>7 at 11:00?</p> <p>8 A. Nothing. It's just a recording of RPMs and</p> <p>9 pressures.</p> <p>10 Q. And what happened at 12:00?</p> <p>11 A. Nothing. It's just a traffic entry.</p> <p>12 Q. Oh, okay. So meaning continuing to discharge?</p> <p>13 A. Correct.</p> <p>14 Q. Okay. And then at 1 o'clock or 1300 military</p> <p>15 time, it's just another reading?</p> <p>16 A. Just another -- correct, just another log entry.</p> <p>17 Q. And it finished discharging at 1550, meaning 3:50</p> <p>18 p.m.?</p> <p>19 A. Correct.</p> <p>20 Q. And then hose went off at 1630, which is 4:30</p> <p>21 p.m.?</p> <p>22 A. Correct.</p> <p>23 Q. So why would it take 40 minutes for the hose to</p> <p>24 come off after the discharging is finished?</p> <p>25 A. I don't know. It depends. It depends on the</p>

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<p>1 dock. It can depend on a lot of factors. 2 Q. I guess I'm just -- in my layman's mind, I'm 3 thinking, "Hey, you're done pumping, take the hose 4 down," or why would the hose need to be still secured 5 for 40 minutes? 6 A. They could be waiting -- sometimes you wait on 7 the inspector to give you an accurate barrel figure, so 8 he make have to go gauge a shore tank before you take 9 the hose off. You know, the dockman may not be 10 qualified to run the crane on the dock. They may have 11 to wait for somebody to come down and operate the crane. 12 Q. What's the crane necessary for; to take the hose 13 off? 14 A. Could be. 15 Q. What does this hose look like? 16 A. It depends. It really does. Sometimes it's a 17 hose. Sometimes it's a cast arm. 18 Q. How long is the hose or the arm? 19 A. It really depends. Sometimes they're 20-feet 20 long. It all depends. 21 Q. Okay. And for discharging, obviously the hose or 22 the -- what was the other thing it could be? 23 A. Could be an arm. 24 Q. The hose or the arm, one side of it is connected 25 obviously to the barge?</p>	<p>1 Q. You mentioned a dockman; what is a dockman? 2 A. A dockman is in charge of the shoreside operation 3 during a cargo transfer. 4 Q. Okay. And who employs the dockman? 5 A. Whatever dock he's at. 6 Q. Does Blessey employ dockmen? 7 A. No. 8 Q. What's the dockman's responsibilities? 9 A. I don't know. I've never been supervisor of 10 dockmen. 11 Q. Does the dockman have authority the tell Blessey 12 anything? 13 A. No, Not necessarily. 14 Q. Does the dockman have authority over that dock? 15 A. Over the dock, yes. 16 Q. So once Blessey is done discharging whatever 17 chemical fluid or liquid fluid that it's discharging, 18 does it need authority from somebody to remove the hose 19 or the arm? 20 A. It has to be an agreement. 21 Q. With? 22 A. The dockman and the boat crew. 23 Q. Okay. What about the customer? 24 A. Not necessarily. 25 Q. Okay. Is there usually a representative from the</p>
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<p>1 A. Correct. 2 Q. Where is the other side connected to? 3 A. Connected to a pipeline that goes to a tank 4 inside either a tank farm or refinery or a pipeline. 5 Q. Okay. Does the hose or the arm come from Blessey 6 or somebody else? 7 A. Somebody else. 8 Q. Is the somebody else the customer? 9 A. No. Somebody else is the dock, the dock that 10 we're at. 11 Q. Okay. So are there three parties involved, 12 Blessey, the customer and the dock? 13 A. Potential. 14 Q. Who operates the dock? 15 A. It all depends. It all depends on what dock it 16 is. 17 Q. Like the Port of Houston, is that considered a 18 dock? 19 A. No. That's considered a port. 20 Q. Okay. What's the difference between a port and a 21 dock? 22 A. There's many docks inside of port. 23 Q. Is there any companies that specialize in running 24 docks? 25 A. I don't know.</p>	<p>1 customer there while there's discharging occurring? 2 A. No. 3 Q. Okay. All right. So back to our Exhibit 21 here 4 looks like, like you said, the discharged finished at 5 1550, the hose came off at 1630, meaning 40 minutes 6 later; correct? 7 A. Correct. 8 Q. And that's not usual in your experience? 9 A. No. 10 Q. And then what's happening between -- according to 11 this captain's log, between 1630 and 1825? 12 A. Looks like they shifted their barges on their 13 dock, put the hose on the next barge. 14 Q. Okay. So now they're going to discharge the 15 second barge? 16 A. That's what it looks to be, yes. 17 Q. Do you have to move the barges around in some 18 fashion to make it happen? 19 A. Sometimes. They did -- apparently they did on 20 this dock. 21 Q. What would that entail, if you know? 22 A. Taking lines off of one barge and the boat would 23 shift the barge, face up to another barge, shift it up. 24 Q. Who is responsible for that? 25 A. The captain.</p>

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<p>1 Q. But is the whole crew typically involved in it?</p> <p>2 A. The whole crew is involved, yes.</p> <p>3 Q. And obviously the whole point in this is so that</p> <p>4 the barge could be discharged?</p> <p>5 A. Correct.</p> <p>6 Q. And then it looks like the hose went on the</p> <p>7 second barge, according to this -- well, it looks like</p> <p>8 the second barge was secured at 1710, meaning 5:10 p.m.;</p> <p>9 correct?</p> <p>10 A. Correct.</p> <p>11 Q. And then the hose went on 40 minutes later;</p> <p>12 correct?</p> <p>13 A. Yes.</p> <p>14 Q. And then it started discharging at 1825, which is</p> <p>15 approximately 35 minutes after the hose went on;</p> <p>16 correct?</p> <p>17 A. Correct.</p> <p>18 Q. And then it finished discharging at 2310, meaning</p> <p>19 11:10 p.m.; correct?</p> <p>20 A. That's correct.</p> <p>21 Q. Okay. Now, for purposes of you calling something</p> <p>22 or crediting working time toward a cargo transfer, you</p> <p>23 didn't count time towards the cargo transfer merely</p> <p>24 because the barge was secured to the dock; correct?</p> <p>25 A. Correct. And I think what you're trying to say</p>	<p>1 that time towards cargo transfer time; correct?</p> <p>2 A. That's correct.</p> <p>3 Q. Now, is there also sometimes in the captains'</p> <p>4 logs where during the transfer, where you were counting</p> <p>5 cargo transfer time, for whatever reason, our transfer</p> <p>6 temporarily stopped and then picked up and then some</p> <p>7 time went by and then it picked up again?</p> <p>8 A. Not necessarily.</p> <p>9 Q. Does that ever happen?</p> <p>10 A. Yes.</p> <p>11 Q. What are some situations where that may happen?</p> <p>12 A. They may do a line displacement where you may</p> <p>13 discharge some product off of a barge and the dock shuts</p> <p>14 you down for a matter of time for engaged tank. They</p> <p>15 may -- you may fill up a shore tank, and they have to</p> <p>16 swap between one shore tank to another shore tank, so</p> <p>17 they shut the transfer down and they have to do</p> <p>18 something internally in the refinery and then resume the</p> <p>19 discharge, so it would depend.</p> <p>20 Q. Okay. But for purposes of your analysis that you</p> <p>21 did in this case as reflected in Exhibits 2 and 3,</p> <p>22 anytime when you saw that a cargo transfer had been shut</p> <p>23 down, even temporarily, you stopped counting that time</p> <p>24 towards cargo transfer time; correct?</p> <p>25 A. If it was 10 or 15 minutes, I don't think I</p>
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<p>1 is, just because a barge was secured to the dock, I</p> <p>2 didn't count that as transfer time.</p> <p>3 Q. Right.</p> <p>4 A. That's correct.</p> <p>5 Q. Right. Instead, you started counting working</p> <p>6 time towards transfer time -- well, I'm sorry. Let's</p> <p>7 back up. And merely because the hose went on the barge,</p> <p>8 that alone wasn't -- you didn't count that -- start</p> <p>9 counting working time from that point forward as the</p> <p>10 cargo transfer time?</p> <p>11 A. That's correct. It could be hours before they</p> <p>12 start. They could hook up a barge, and it could be</p> <p>13 hours before they start a transfer.</p> <p>14 Q. Right. And that's when you started counting</p> <p>15 working time towards cargo transfer time, for purposes</p> <p>16 of your analysis, is once, according to the captains'</p> <p>17 logs, the discharging or the loading actually began?</p> <p>18 A. Correct.</p> <p>19 Q. And same thing with the end; you stopped counting</p> <p>20 cargo transfer time once, according to the captain's</p> <p>21 log, the discharge or the loading ended?</p> <p>22 A. That's correct.</p> <p>23 Q. And if there was more time, obviously, after</p> <p>24 that, before the hose came off or the barge, you know,</p> <p>25 moved from the dock, became unsecured, you didn't count</p>	<p>1 stopped it; but, I mean, if it was anything greater than</p> <p>2 30 minutes, then it did not count as cargo transfer</p> <p>3 time.</p> <p>4 Q. Okay. And so merely because a vessel was on dock</p> <p>5 and the tankerman was on duty, that wasn't sufficient in</p> <p>6 itself, in your mind, to count as his working time as</p> <p>7 cargo transfer time; correct?</p> <p>8 A. That's correct.</p> <p>9 Q. Do tankermen have any duties -- well, on dock,</p> <p>10 separate and apart from supervising the transfer of the</p> <p>11 liquid?</p> <p>12 A. When they're not transferring cargo?</p> <p>13 Q. Well, let me ask you this: What does the</p> <p>14 tankerman actually have to do to transfer cargo? What</p> <p>15 are they doing?</p> <p>16 MR. GRIFFITH:</p> <p>17 Just to be clear, you're talking about</p> <p>18 the actual product moving in the hose --</p> <p>19 MR. OBERTI:</p> <p>20 Right.</p> <p>21 MR. GRIFFITH:</p> <p>22 -- as opposed to anything else in that</p> <p>23 timeframe?</p> <p>24 MR. OBERTI:</p> <p>25 Yes.</p>

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<p>1 MR. OBERTI:</p> <p>2 Q. We've already talked about what they have to the</p> <p>3 do prepare to load or unload; right?</p> <p>4 A. Right.</p> <p>5 Q. So what are they actually doing when cargo, like</p> <p>6 Steve said, is actually moving?</p> <p>7 A. Monitoring lines on the barges, they're</p> <p>8 monitoring pump pressures and RPMs, if they're</p> <p>9 discharging, they're monitoring cargo levels inside the</p> <p>10 cargo tanks, they may check the void tanks during load</p> <p>11 or discharge, they're checking drafts, they're making</p> <p>12 sure that, you know, the drafts match up bow and stern,</p> <p>13 port to starboard, you know, there's no list. They may</p> <p>14 close down valves or open valves, depending on where</p> <p>15 they're at in the process.</p> <p>16 Q. What's monitoring lines? What type of lines?</p> <p>17 A. Monitoring lines between the barges and the</p> <p>18 docks. Typically if you go to dock and you're loaded</p> <p>19 and you're going to discharge, you will be taking slack</p> <p>20 up out of the lines, and if you're loading, then you</p> <p>21 will be putting slack back into the lines as you're</p> <p>22 coming down.</p> <p>23 Q. Okay. You mean the lines actually attaching the</p> <p>24 tow to the dock?</p> <p>25 A. Correct.</p>	<p>1 looking at this captain's log and obviously, what</p> <p>2 happened is, the tow pulled up and discharged two</p> <p>3 barges; right?</p> <p>4 A. Yes, that's what it looks like.</p> <p>5 Q. Before they start the discharge process,</p> <p>6 obviously they have to get secured and they have to hook</p> <p>7 up the hoses; right?</p> <p>8 A. Sure.</p> <p>9 Q. But from a paperwork perspective with the dock,</p> <p>10 does anything have to happen?</p> <p>11 A. Yeah. They sign a DOI, Declaration of</p> <p>12 Inspection.</p> <p>13 Q. All right. Who signs that?</p> <p>14 A. The dockman and the tankerman.</p> <p>15 Q. Okay. And what does that reflect; that there's</p> <p>16 been some sort of inspection?</p> <p>17 A. It reflects that both parties are either ready to</p> <p>18 receive or give cargo. There's been a communication or</p> <p>19 what they call a pre-transfer conference. They've had a</p> <p>20 conference, and they agree with the things on the DOI</p> <p>21 and both of them sign the DOI.</p> <p>22 Q. Okay. Is there any sort of inspection of the</p> <p>23 barge or vessel or the tow before they sign that,</p> <p>24 typically?</p> <p>25 A. It's a statement from the tankerman saying that</p>
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<p>1 Q. What are these lines made out of?</p> <p>2 A. Typically cotton/polyester mix.</p> <p>3 Q. Like a rope?</p> <p>4 A. Correct.</p> <p>5 Q. And you said making sure there's no list?</p> <p>6 A. Correct.</p> <p>7 Q. No list in the barge or the vessel or...</p> <p>8 A. The barge that they're -- the barge.</p> <p>9 Q. Okay. If, like you say, if you were to load it</p> <p>10 in totally inapt fashion, the barge could list in some</p> <p>11 fashion that would make it unseaworthy?</p> <p>12 A. It could, yes.</p> <p>13 Q. And then is there anything that the tankermen may</p> <p>14 have to do, or that you did when you were a tankerman,</p> <p>15 that has to do with interacting with the dockman?</p> <p>16 A. At what point in time?</p> <p>17 Q. At any time.</p> <p>18 A. Yeah. Typically there's a VHF radio and there</p> <p>19 will be VHF communication between the dock and the</p> <p>20 barge.</p> <p>21 Q. And what's the purpose?</p> <p>22 A. So they can communicate.</p> <p>23 Q. Communicate about?</p> <p>24 A. About anything.</p> <p>25 Q. Okay. I guess, let me ask you this: We were</p>	<p>1 everything on this DOI is true.</p> <p>2 Q. Okay. And what does a DOI look like?</p> <p>3 A. It's a checklist.</p> <p>4 Q. It's not barge readiness checklist?</p> <p>5 A. No.</p> <p>6 Q. Is it one page or two pages?</p> <p>7 A. It's one page usually.</p> <p>8 Q. And the checklist, do you know what items are on</p> <p>9 the list, or some of them?</p> <p>10 A. Yeah, I do. That the barge is properly secured</p> <p>11 to the dock, that the hose is properly secured, that</p> <p>12 they've agreed upon a loading rate. Those are some of</p> <p>13 the items.</p> <p>14 Q. Okay. And tankerman and dockman that sign off on</p> <p>15 it?</p> <p>16 A. Yes.</p> <p>17 Q. And so you've signed off on them before as a</p> <p>18 tankerman.</p> <p>19 A. Yes.</p> <p>20 Q. How does the process work? You pull in and the</p> <p>21 dockman walks up, who's typically got the copy of the</p> <p>22 DOI?</p> <p>23 A. After it's signed, both. It's a carbon copy.</p> <p>24 Q. Who produced it to begin with?</p> <p>25 A. The dock does.</p>

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<p>1 Q. So in your experience, I think you testified that 2 this typically only takes five minutes? 3 A. It could take five minutes, yeah. 4 Q. What's the longest it might take, at least in 5 your experience? 6 A. Ten minutes. 7 Q. Okay. And so it sounds like you're saying 8 typically, as part of this DOI, the dockman and 9 tankerman don't do some sort of like walk around 10 inspection together? 11 A. No. 12 Q. It's more or less the tankerman is making the 13 representation that these things have already been 14 checked out by him or her, and "I'm representing to you 15 that we're ready"? 16 A. Correct. 17 Q. Okay. And Blessey keeps a copy of it, the DOI? 18 A. No. They keep a copy on board the barges for 30 19 days. 20 Q. Then what happens? 21 A. They can throw them away. 22 Q. So they never actually get back to corporate 23 headquarters? 24 A. No. 25 Q. But the dockman keeps a copy?</p>	<p>1 A. I'm not even going to guess. 2 Q. I guess having hours of standby time or hours and 3 hours of standby time is not atypical? 4 A. I'm not even going to guess. I don't know. I 5 would have to analyze -- you know, I would have to have 6 some concrete data. 7 Q. Did you look at all of the captains' logs in this 8 case? 9 A. I sure did. 10 Q. Was there a lot of examples of standby time? 11 A. I wasn't looking for standby time. 12 Q. In your experience as a tankerman, were there 13 lots of times that you guys were on standby? 14 A. Sure, yes. 15 Q. Okay. And you've already testified some of the 16 times you're on standby and you're actually doing some 17 active work, and sometimes you're just standing by? 18 A. Correct. 19 Q. Okay. And you didn't credit any of the standby 20 time towards what you considered to be cargo transfer 21 time for purposes of your analysis? 22 A. No, I did not. 23 Q. Okay. I noticed in your declaration, if you go 24 back to Exhibit 3, paragraph 13... 25 A. Okay.</p>
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<p>1 A. I don't know what the dockman does with his copy. 2 Q. Is this per barge or just each time a vessel 3 comes to dock? 4 A. Per transfer. 5 Q. Okay. So in this situation, we're looking at 6 Exhibit 21, the first page, there would have been two 7 DOIs executed? 8 A. That's correct. 9 Q. Okay. An you're saying you gave five minutes for 10 each barge that was either discharged or loaded? Do you 11 have to do it when you're loading, too? 12 A. Yes, you have to do a DOI when you're loading or 13 discharging. 14 Q. For purposes of your analysis, you added five 15 minutes -- I'm sorry. What did you do with the data? 16 A. I gave 30 minutes. 17 Q. For each time there was a transfer? 18 A. Commencing of transfer. 19 Q. Why did you give 30 minutes; just to be generous? 20 A. Yes, I mean, it's an estimate. 21 Q. Sure. 22 Now, how often, in your experience, is it that 23 the tow pulls up and immediately starts transferring 24 cargo versus there being a substantial amount of standby 25 time?</p>	<p>1 Q. You're talking about assumptions that you made? 2 A. Yes. 3 Q. Well, let's start with paragraph 12 where it 4 says, "Each plaintiff could have only worked a front or 5 back watch on any given day." That's because they work 6 six on six off? 7 A. Correct. 8 Q. "However, the plaintiffs generally have not been 9 able to specifically identify which watch they worked on 10 on the days at issue"; do you see that? 11 A. Yes. 12 Q. That part I just read from, where did you get 13 that from, that the plaintiffs have generally not been 14 able to identify which watch they worked on on the days 15 at issue? 16 A. I was told that by Beau. 17 Q. Okay. And it says, "Based on my review of 18 personnel logs and captains' logs, I determined the 19 amount of time spent on cargo transfers both on the and 20 on the back watch vessel, and in doing so, I made three 21 assumptions," and then the first assumption you say, 22 "First I assumed that every plaintiff worked the full 12 23 hours of the front or back watch on every day of his 24 hitch, including the first and last day"; right? 25 A. Yes.</p>

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<p>1 Q. So if the plaintiff came on his hitch on a 2 particular day, I assumed that he boarded the vessel at 3 midnight of that day and was there to perform any 4 tankering duties throughout the day. Assumingly, if a 5 plaintiff ended his hitch on a particular day, I assumed 6 that he disembarked the vessel at 11:59 p.m. and wasn't 7 available to perform any tankering duties until that 8 time. In my experience as a tankerman and as director 9 of operations, no crew member ever boards or disembarks 10 the vessel as part of the normal crew change at 11 midnight, therefore, this assumption artificially 12 inflates the calculation to the benefit of each 13 plaintiff"; correct? 14 A. Correct. 15 Q. But it actually artificially inflates two things, 16 by making that assumption, it artificially inflates the 17 amount of time they would be available, based on your 18 analysis, to perform cargo transfers; correct? 19 A. Potentially, yes. 20 Q. When they may not have, in fact, actually been 21 there; right? 22 A. That's correct. 23 Q. But it also artificially inflates the amount of 24 working time that you included for purposes of your 25 analysis; correct?</p>	<p>1 fraction? 2 MR. OBERTI: 3 Yes. 4 THE WITNESS: 5 Yes. 6 MR. OBERTI: 7 Okay. 8 MR. GRIFFITH: 9 Can we go off the record for a second? 10 We don't have to go anywhere, but I just want to ask a 11 question. 12 MR. OBERTI: 13 Sure. 14 (A conversation was held off the record.) 15 BY MR. OBERTI: 16 Q. Let me put it this way: For purposes of your 17 analysis, each and every day that a tankerman was 18 assigned to their hitch, you credited them for 12 hours 19 of work? 20 A. That's correct. 21 Q. Okay. All right. If you go to paragraph 15, 22 you're basically saying here that some of the captains' 23 logs reflect two barges assigned to a vessel are being 24 discharged or loaded at the same time? 25 A. Correct.</p>
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<p>1 MR. GRIFFITH: 2 Can I get you to reask -- I'm not sure I 3 followed the last two questions. 4 MR. OBERTI: 5 Yes. 6 BY MR. OBERTI: 7 Q. The point you're making is essentially, "Hey, in 8 reality, on a day that the tankermen started their hitch 9 or ended their hitch, in reality they may not have 10 actually worked 12 hours," meaning they're two shifts; 11 right? 12 A. Correct. 13 Q. "But for purposes of my analysis, since we didn't 14 know the specifics, I just ran with that assumption, 15 which means that some of the cargo transfers I credited 16 towards them, they may not have actually done?" 17 A. That's correct. 18 Q. But my point is, in addition to that, by 19 including that assumption that they worked two shifts, 20 both on their first day on and their last day off, 21 meaning 12 hours, that also artificially inflates the 22 amount of working time you had in your analysis; 23 correct? 24 MR. GRIFFITH: 25 You mean the denominator in the</p>	<p>1 Q. You're saying that it's not possible for a 2 Blessey tankermen to be working on both of them? 3 A. Correct. 4 Q. Why is that not possible? 5 A. Because only one tankerman is on watch at any 6 given time, so what they would do is, if the two barges 7 were like in different locations, spotted in a different 8 spot on the barge, that they would call in a third-party 9 tankerman to do the barge. 10 Q. Was there ever two tankermen on duty at the same 11 time on any Blessey tow? 12 A. It's a possibility, yes. It is a possibility. 13 If each one of the -- if the transfer was going to take 14 under 12 hours and the crew were capable of doing it, 15 they could call in to the port captain and seek 16 permission to do so. 17 Q. Okay. So for purposes of your analysis, you 18 don't actually know what happened on any specific 19 situation, you just made the assumption that they must 20 have called an outside shore tankering company; correct? 21 A. No. I made the assumption that -- I made the 22 assumption that the Blessey tankermen did both of them, 23 because what would -- in the logs, it wouldn't -- like 24 if there was a start time and then a finish time, I used 25 that -- I said basically that the Blessey tankerman</p>

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<p>1 started the earliest barge and then finished the latest</p> <p>2 barge, even if there was a third-party tankerman doing</p> <p>3 one of the barges.</p> <p>4 Q. Okay. Let me see if I got it right. Maybe I</p> <p>5 don't. For purposes of your analysis, you assumed that</p> <p>6 whichever barge took the longest to discharge or load,</p> <p>7 that's the one that the Blessey tankermen was assigned</p> <p>8 to?</p> <p>9 A. Or if the one that finished or started before,</p> <p>10 say -- I also used the assumption that if one barge</p> <p>11 finished before, the Blessey tankermen would then</p> <p>12 relieve the third-party tankerman and then finished that</p> <p>13 barge, so he got credit for the barge that took longer.</p> <p>14 Q. Okay. Do you know what percentage of times</p> <p>15 within the captains' logs this dynamic occurred where</p> <p>16 there was two barges loading and unloading at the same</p> <p>17 time?</p> <p>18 A. No, I do not.</p> <p>19 Q. Was it a small percentage?</p> <p>20 A. It would have been a small percentage, yes.</p> <p>21 Q. Okay. Now, did you say in your experience when</p> <p>22 which you were a tankerman, you would typically</p> <p>23 either -- you would typically get off the boat before</p> <p>24 3:00 p.m.?</p> <p>25 A. Yes.</p>	<p>1 Q. Was that something you were looking for?</p> <p>2 A. No, that was not something I was looking for.</p> <p>3 Q. Sounds to me, from your declarations, you were</p> <p>4 looking at the captains' logs strictly for the time that</p> <p>5 a barge began discharging or loading and the time it</p> <p>6 stopped discharging or the load finished?</p> <p>7 MR. GRIFFITH:</p> <p>8 Object to the form.</p> <p>9 BY MR. OBERTI:</p> <p>10 Q. That was your main focus?</p> <p>11 A. Primarily, yes.</p> <p>12 Q. Okay. Do you still have copies of the initial</p> <p>13 drafts of the declarations that Mr. Bethune gave you?</p> <p>14 A. I believe so.</p> <p>15 Q. Do you know if those were produced in this case?</p> <p>16 A. I don't know.</p> <p>17 Q. Did you have any conversations with any of the</p> <p>18 outside lawyers from Mr. Griffith's office about your</p> <p>19 declarations?</p> <p>20 A. No.</p> <p>21 MR. GRIFFITH:</p> <p>22 Let's put a timeframe on that, just to</p> <p>23 be clear. At any time, or before they were produced?</p> <p>24 MR. OBERTI:</p> <p>25 Yes, before they were produced.</p>
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<p>1 Q. Okay. Meaning that you typically didn't work 12</p> <p>2 hours on your last day on the boat?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Was there any particular time that you</p> <p>5 would typically get back on the boat on your first day?</p> <p>6 A. Anytime between 6:00 and noon, usually.</p> <p>7 Q. Okay. So is there ever a time where there's two</p> <p>8 tankermen, two Blessey tankermen -- did I ask this</p> <p>9 already, where there's two Blessey tankermen on duty at</p> <p>10 the same time?</p> <p>11 A. That's a possibility, yes.</p> <p>12 Q. Okay.</p> <p>13 A. If there was an emergency on the boat that</p> <p>14 required both of them to be up at the same time or a</p> <p>15 lock required two tankermen to be up to transfer the</p> <p>16 lock.</p> <p>17 Q. Is it ever just, while they're on hitch, there's</p> <p>18 three tankermen, so that way, two of them could be on</p> <p>19 duty at the same time?</p> <p>20 A. It occurs. If we have an extra tankerman on the</p> <p>21 boat, there may be three tankerman on a boat.</p> <p>22 Q. Okay. In the captains' logs you reviewed, did</p> <p>23 you see any situation where there's three tankermen</p> <p>24 assigned to that boat?</p> <p>25 A. No.</p>	<p>1 THE WITNESS:</p> <p>2 Before the declarations were produced,</p> <p>3 had I talked to any --</p> <p>4 MR. OBERTI:</p> <p>5 Yes.</p> <p>6 THE WITNESS:</p> <p>7 No, I had not.</p> <p>8 BY MR. OBERTI:</p> <p>9 Q. Neither declaration was typed on your computer?</p> <p>10 A. Neither.</p> <p>11 Q. And you don't know who typed them?</p> <p>12 A. No.</p> <p>13 Q. And do you have a copy of -- I think we talked</p> <p>14 pout this, that you provided the results of your</p> <p>15 analysis to Mr. Bethune, and then later on, he circled</p> <p>16 back with you and gave you the draft declarations?</p> <p>17 A. Yes.</p> <p>18 Q. Do you have a copy of what the results were you</p> <p>19 gave to Mr. Bethune?</p> <p>20 A. I believe I do.</p> <p>21 Q. Can you describe what they look like?</p> <p>22 A. It's on a word document. Basically how many days</p> <p>23 each plaintiff worked, how many hours that could have</p> <p>24 been, how many hours is spent tanking and what</p> <p>25 percentage.</p>

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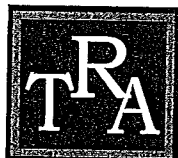
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<p>1 Q. Okay.</p> <p>2 MR. GRIFFITH:</p> <p>3 You've got them.</p> <p>4 BY MR. OBERTI:</p> <p>5 Q. Okay. It's not an Excel spreadsheet?</p> <p>6 A. No. It's initially a word document.</p> <p>7 Q. It's basically what you just said, each plaintiff</p> <p>8 maximum number of hours they would have worked, maximum</p> <p>9 number of hours that would have been cargo transfer and</p> <p>10 them the percentage of overall work you counted as cargo</p> <p>11 transfer time?</p> <p>12 A. That's correct.</p> <p>13 MR. GRIFFITH:</p> <p>14 And for the record, we have produced</p> <p>15 that you.</p> <p>16 MR. OBERTI:</p> <p>17 Okay. Thanks.</p> <p>18 THE WITNESS:</p> <p>19 And I'll be ready for lunch any time</p> <p>20 now.</p> <p>21 MR. OBERTI:</p> <p>22 You want to go to lunch? I probably</p> <p>23 have an hour after lunch, and that's it.</p> <p>24 MR. GRIFFITH:</p> <p>25 If you're at the stopping point,</p>	<p>1 checked, yeah.</p> <p>2 Q. Okay.</p> <p>3 A. But it wasn't -- I didn't double check every</p> <p>4 single number.</p> <p>5 Q. Did you do this analysis by yourself?</p> <p>6 A. I did this analysis solely by myself.</p> <p>7 Q. For both Exhibits 2 and 3?</p> <p>8 A. Yes.</p> <p>9 Q. And so did anybody double check your work, to</p> <p>10 your knowledge, in any way?</p> <p>11 A. Not to my knowledge.</p> <p>12 Q. What's your highest level of math in college?</p> <p>13 Did you take a math class in college?</p> <p>14 A. Algebra in college.</p> <p>15 Q. Okay. Have you taken calculus?</p> <p>16 A. No.</p> <p>17 Q. Ever?</p> <p>18 A. High school.</p> <p>19 Q. How far did you go?</p> <p>20 A. I don't know. That was 20 years ago, almost.</p> <p>21 Q. Okay.</p> <p>22 MR. GRIFFITH:</p> <p>23 How far did he go in calculus?</p> <p>24 THE WITNESS:</p> <p>25 Whatever I learned in calculus was 20</p>
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<p>1 let's...</p> <p>2 MR. OBERTI:</p> <p>3 Yes, we can stop.</p> <p>4 (A recess was taken.)</p> <p>5 BY MR. OBERTI:</p> <p>6 Q. We're back from our lunch break.</p> <p>7 Mr. Grenon, in preparing the declarations that</p> <p>8 you prepared in this case, Exhibits 2 and 3, did you</p> <p>9 have any sort of written process that you worked off of?</p> <p>10 A. No.</p> <p>11 Q. Did you talk to anybody else who had done what</p> <p>12 you were doing before?</p> <p>13 A. No.</p> <p>14 Q. Had you ever done that before?</p> <p>15 A. No. I had never done a specific analysis, but, I</p> <p>16 mean, I've been looking at logs for 18 years, so...</p> <p>17 Q. Right. As part of your ordinary duties?</p> <p>18 A. Correct.</p> <p>19 Q. But you hadn't previously engaged in an analysis</p> <p>20 such as the ones set forth in Exhibits 2 and 3 where you</p> <p>21 characterize percentages of someone's working time;</p> <p>22 correct?</p> <p>23 A. I had not done that before, no.</p> <p>24 Q. Did you double check your numbers?</p> <p>25 A. There were certain calculations that I double</p>	<p>1 years ago.</p> <p>2 MR. OBERTI:</p> <p>3 Okay. Just asking.</p> <p>4 THE WITNESS:</p> <p>5 No problem.</p> <p>6 BY MR. OBERTI:</p> <p>7 Q. Was there a level after calculus?</p> <p>8 A. No.</p> <p>9 Q. Okay. Now, you know how we went over, I think,</p> <p>10 Exhibit 21 that shows on that particular transfer there</p> <p>11 was less than an hour, something like 40 minutes or so,</p> <p>12 time gap between the time the hose went on and discharge</p> <p>13 started occurring?</p> <p>14 A. Yes.</p> <p>15 Q. That's not uncommon; is it?</p> <p>16 A. It's not uncommon.</p> <p>17 Q. What would a tanker- -- did that ever happen to</p> <p>18 you when you were on duty as a tankerman?</p> <p>19 A. Yes.</p> <p>20 Q. What would you be doing during that gap between</p> <p>21 the time the hose goes on and the time that the cargo</p> <p>22 starts flowing?</p> <p>23 A. It would depend. You could go back to the boat</p> <p>24 and eat lunch, as an example. Go back to the boat,</p> <p>25 smoke a cigarette, whatever the captain wanted you to</p>

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<p>1 do, if he had something extra for you to do. A lot of</p> <p>2 times, you have a radio, go back to the boat and wait</p> <p>3 for the dock to call you on the radio.</p> <p>4 Q. When the tankerman is on a six-hour shift, do</p> <p>5 they get breaks?</p> <p>6 A. Yes.</p> <p>7 Q. Is there some specific number of breaks?</p> <p>8 A. There's not a specific number of breaks, no.</p> <p>9 Q. It's up to the captain?</p> <p>10 A. Up to the captain and up to the fellow crew</p> <p>11 members.</p> <p>12 Q. Do you know typically whether or not they</p> <p>13 typically eat their meals while they're on their shift</p> <p>14 or off their shift?</p> <p>15 A. It really does depend. It could depend on what</p> <p>16 the boat is doing, depends on that person's eating</p> <p>17 habits.</p> <p>18 Q. What about you when you were a tankerman?</p> <p>19 A. I would normally eat before I came on watch, but,</p> <p>20 you know, maybe have a -- you know, depending on what</p> <p>21 was going on. I've had times where a wheelman came out</p> <p>22 and relieved me so I could go back to the boat for an</p> <p>23 hour at a time.</p> <p>24 Q. While you were on your six-hour shift?</p> <p>25 A. Correct.</p>	<p>1 need do to prepare the barge for either loading or</p> <p>2 unloading, the things you listed, for example, open the</p> <p>3 valves, monitor the product level, so on and so forth,</p> <p>4 you would agree that all of the that sort of work,</p> <p>5 number one, that's work that occurs in the dock?</p> <p>6 MR. GRIFFITH:</p> <p>7 Object to the form.</p> <p>8 THE WITNESS:</p> <p>9 Not necessarily.</p> <p>10 BY MR. OBERTI:</p> <p>11 Q. Would you agree that that's work that's primarily</p> <p>12 related to either loading or discharging the barges?</p> <p>13 MR. GRIFFITH:</p> <p>14 Object to the form.</p> <p>15 BY MR. OBERTI:</p> <p>16 Q. You're preparing the barges for either loading or</p> <p>17 discharging; correct?</p> <p>18 MR. GRIFFITH:</p> <p>19 Object to the form.</p> <p>20 THE WITNESS:</p> <p>21 You're preparing them to transport</p> <p>22 cargo.</p> <p>23 BY MR. OBERTI:</p> <p>24 Q. Well, I mean, you're specifically either loading</p> <p>25 the cargo into the barge or discharging the cargo from</p>
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<p>1 Q. You don't punch out or anything like that?</p> <p>2 A. No.</p> <p>3 Q. In your opinion, is there any work that a</p> <p>4 tankerman ordinarily does while their vessel is in dock</p> <p>5 that is not primarily related to either loading or</p> <p>6 discharging of the barges?</p> <p>7 MR. GRIFFITH:</p> <p>8 Object to the form.</p> <p>9 THE WITNESS:</p> <p>10 Can you ask it for me one more time?</p> <p>11 BY MR. OBERTI:</p> <p>12 Q. In your opinion, is there any work tankermen</p> <p>13 regularly do when a vessel is in dock that is not</p> <p>14 primarily related to either loading or discharging the</p> <p>15 barges?</p> <p>16 MR. GRIFFITH:</p> <p>17 Object to the form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. OBERTI:</p> <p>20 Q. Such as?</p> <p>21 A. I mean, you could be at dock standing by.</p> <p>22 Q. Okay. Anything else?</p> <p>23 A. No.</p> <p>24 Q. Okay. The things that you talked about earlier</p> <p>25 that someone would need to do, that a tankerman would</p>	<p>1 the barge?</p> <p>2 A. Or you're doing neither.</p> <p>3 Q. Or you're doing neither.</p> <p>4 A. Right.</p> <p>5 Q. If you're doing neither -- right. The things</p> <p>6 you -- when we first started the deposition, the things</p> <p>7 you listed as preparing a barge for loading or</p> <p>8 unloading, remember we started with the job description</p> <p>9 that said something like the primary function of a</p> <p>10 tankerman is preparing the barge for either loading or</p> <p>11 unloading the discharge of the barge?</p> <p>12 A. Right. Okay.</p> <p>13 Q. All right. The things you listed, those things</p> <p>14 are not actually cargo transferring themselves, rather,</p> <p>15 they're preparing the barges for cargo transfer;</p> <p>16 correct?</p> <p>17 A. They're in preparation; that's correct.</p> <p>18 Q. And the very nature of the duties are, in fact,</p> <p>19 closely relating to either loading or unloading, in</p> <p>20 fact, their ancillary duty is either loading or</p> <p>21 unloading; correct?</p> <p>22 MR. GRIFFITH:</p> <p>23 Object to the form.</p> <p>24 THE WITNESS:</p> <p>25 Yeah. A tankerman could do them, a</p>

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<p>1 deckhand could do them, you know, and they could be done</p> <p>2 a day before you load or discharge or an hour before you</p> <p>3 load or discharge.</p> <p>4 BY MR. OBERTI:</p> <p>5 Q. I'm not asking you who does them or when they're</p> <p>6 done, but the nature of the duties themselves are</p> <p>7 closely related to either loading or unloading the</p> <p>8 barges?</p> <p>9 A. Yes.</p> <p>10 Q. Can a tankerman or -- I'm sorry. Can a deckhand</p> <p>11 open a valve?</p> <p>12 A. Yes.</p> <p>13 Q. Can a deckhand monitor the product level to</p> <p>14 ensure it's level in a barge?</p> <p>15 A. Absolutely.</p> <p>16 Q. Can a deckhand hook up the hose to a barge?</p> <p>17 A. Yes.</p> <p>18 Q. Can a deckhand check hashes to ensure there's no</p> <p>19 water in the barge?</p> <p>20 A. Yes.</p> <p>21 Q. Do you know as a practical matter, whether a</p> <p>22 tankerman could do it, who typically does it, or does it</p> <p>23 all depend?</p> <p>24 MR. GRIFFITH:</p> <p>25 I'm going object to the form. I'm just</p>	<p>1 A. I've never looked.</p> <p>2 Q. I guess the point being is, somebody with a valid</p> <p>3 tankerman certificate has to be in charge of the cargo</p> <p>4 transfer; right?</p> <p>5 MR. GRIFFITH:</p> <p>6 Object to the form. I don't think</p> <p>7 that's what his testimony was.</p> <p>8 BY MR. OBERTI:</p> <p>9 Q. I'm sorry. Your testimony is the tankerman was</p> <p>10 in charge of the cargo transfer, but ultimately reports</p> <p>11 to the captain?</p> <p>12 MR. GRIFFITH:</p> <p>13 No. He used the term "person in</p> <p>14 charge," which is a term of art, and I think you-all</p> <p>15 were speaking in different languages, frankly. He was</p> <p>16 using the term of art, and I think you were just talking</p> <p>17 as a layman in charge of something.</p> <p>18 BY MR. OBERTI:</p> <p>19 Q. I'm sorry. What's the term of -- were you using</p> <p>20 the "person in charge" as a term of art?</p> <p>21 A. It's called the PIC.</p> <p>22 Q. What does the term of art mean, PIC?</p> <p>23 A. Person in charge.</p> <p>24 Q. Okay.</p> <p>25 A. And he's overseeing the cargo transfer operation.</p>
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<p>1 not sure I follow.</p> <p>2 THE WITNESS:</p> <p>3 It really does depend.</p> <p>4 BY MR. OBERTI:</p> <p>5 Q. So is there somebody from Blessey's side that's</p> <p>6 in charge of cargo transfers when they occur?</p> <p>7 A. The captain of the vessel.</p> <p>8 Q. Is the tankermen in charge of anything ever?</p> <p>9 A. He is the person in charge of the -- he is the</p> <p>10 person in charge of the cargo transfer, but ultimately</p> <p>11 it's the responsibility of the captain.</p> <p>12 Q. Okay. Do all captains have current, valid</p> <p>13 tankerman's licenses?</p> <p>14 A. No.</p> <p>15 Q. Do you know what percentage of the captains you</p> <p>16 have do?</p> <p>17 A. No.</p> <p>18 Q. Do you know if any of the captains on the vessels</p> <p>19 on which the claimants in this case served have</p> <p>20 currently valid tankerman certificates or licenses?</p> <p>21 A. I'm not really sure. It's not really an issue.</p> <p>22 Q. I'm not saying that you should know. I'm just</p> <p>23 asking if you do know, and you don't?</p> <p>24 A. It's not a requirement.</p> <p>25 Q. You don't know?</p>	<p>1 Q. From just a functional standpoint?</p> <p>2 A. He's going to be the person that's going to be on</p> <p>3 the barge from a functional standpoint.</p> <p>4 Q. While it's transferring cargo?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. Whether or not the tankerman -- whether or</p> <p>7 not the captain has a tankerman's license?</p> <p>8 A. Correct.</p> <p>9 Q. But you're saying ultimately all functions</p> <p>10 relating to that vessels and it's barges, ultimately the</p> <p>11 captain is responsible for?</p> <p>12 A. That's right.</p> <p>13 Q. Okay. Now, is there any reason that a Blessey</p> <p>14 vessel would be in dock, other than to discharge or load</p> <p>15 cargo?</p> <p>16 A. Yes.</p> <p>17 Q. Why else?</p> <p>18 A. Waiting on the weather.</p> <p>19 Q. I'm sorry?</p> <p>20 A. Waiting on weather.</p> <p>21 Q. Like bad weather?</p> <p>22 A. Waiting on bad weather to clear. Waiting on good</p> <p>23 weather, actually.</p> <p>24 Q. Right.</p> <p>25 So if it's bad weather, do sometimes they pull</p>

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<p>1 into the dock?</p> <p>2 A. Or if you're at the dock, you won't leave.</p> <p>3 Q. Okay. Any other reason that a Blessey vessel</p> <p>4 with barges would be in dock, other than to load or</p> <p>5 unload?</p> <p>6 A. If there were a family emergency or some type of</p> <p>7 incident that occurred and the boat wasn't crewed</p> <p>8 properly.</p> <p>9 Q. Any other reason?</p> <p>10 A. Mechanical failure.</p> <p>11 Q. Okay. Any other reason?</p> <p>12 A. None that I can think of right now.</p> <p>13 Q. In reviewing the captains' logs in order to</p> <p>14 prepare Exhibits 2 and 3, did you see any times where</p> <p>15 the vessel at issue had gone into a dock because of bad</p> <p>16 weather or waiting for good weather?</p> <p>17 A. I wasn't looking for that.</p> <p>18 Q. Would that be on a captain's log?</p> <p>19 A. It would.</p> <p>20 Q. In your experience, does that happen a lot?</p> <p>21 A. It happens.</p> <p>22 Q. Occasionally or frequently, in your opinion?</p> <p>23 A. It happens occasionally, yeah.</p> <p>24 Q. Okay. Family emergency, did you see any evidence</p> <p>25 of that on the captains' logs?</p>	<p>1 vessels; right?</p> <p>2 MR. GRIFFITH:</p> <p>3 Object to the form.</p> <p>4 THE WITNESS:</p> <p>5 Once per vessel.</p> <p>6 BY MR. OBERTI:</p> <p>7 Q. And the last one you said, mechanical failure,</p> <p>8 meaning on the to boat itself?</p> <p>9 A. Yes.</p> <p>10 Q. Does that happen frequently?</p> <p>11 A. It happens occasionally.</p> <p>12 Q. That's your guess. On an average 12-month</p> <p>13 period, how many times does a tow boat have to go into</p> <p>14 dock from because of mechanical failure from the Blessey</p> <p>15 fleet?</p> <p>16 MR. GRIFFITH:</p> <p>17 Object to the form.</p> <p>18 THE WITNESS:</p> <p>19 I really don't know. It would only be a</p> <p>20 guess if I had to tell you a number.</p> <p>21 BY MR. OBERTI:</p> <p>22 Q. Did you see any evidence that any of the vessels</p> <p>23 in this case on the captains' logs you reviewed had gone</p> <p>24 into the dock because of mechanical failure?</p> <p>25 A. I wasn't looking for that.</p>
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<p>1 A. I wasn't looking for that when I analyzed the</p> <p>2 logs.</p> <p>3 Q. Hopefully that's a relative rare-occurring thing;</p> <p>4 right?</p> <p>5 A. It should be.</p> <p>6 Q. Is it in your experience?</p> <p>7 A. It's not as rare as I would like the be</p> <p>8 sometimes.</p> <p>9 Q. How many times a year do you have a family</p> <p>10 emergency that requires a Blessey vessel to pull into</p> <p>11 dock that it otherwise wouldn't?</p> <p>12 A. Fifty times a year, possibly.</p> <p>13 Q. Fifty?</p> <p>14 A. (Witness nodding head).</p> <p>15 Q. Okay. So that would be a little less than one</p> <p>16 time per vessel, on average?</p> <p>17 A. You're asking me to guess on something I'm not</p> <p>18 prepared to answer.</p> <p>19 Q. Strictly a guess; right?</p> <p>20 A. And 50 is my guess.</p> <p>21 Q. And less than a 100 for sure?</p> <p>22 A. Nothing's for sure. You're asking me to guess,</p> <p>23 which I've done, around 50.</p> <p>24 Q. Okay. Which based on your guess would translate</p> <p>25 to less than one time per vessel since Blessey has 62</p>	<p>1 Q. Okay. The three things you listed, these are all</p> <p>2 not with Blessey's business to do at the dock, namely</p> <p>3 wait out the weather, a family emergency or mechanical</p> <p>4 failure, that's not Blessey's core business. These are</p> <p>5 just things that may come up that may require them to go</p> <p>6 into dock; right?</p> <p>7 A. That's correct.</p> <p>8 Q. The only reason that Blessey would be in the dock</p> <p>9 as part of what it's core business is, is to either load</p> <p>10 or unload cargo; correct?</p> <p>11 MR. GRIFFITH:</p> <p>12 Object to the form.</p> <p>13 THE WITNESS:</p> <p>14 We're in the business of transporting</p> <p>15 cargo.</p> <p>16 BY MR. OBERTI:</p> <p>17 Q. So it could be either loaded or unloaded?</p> <p>18 MR. GRIFFITH:</p> <p>19 Object to the form.</p> <p>20 THE WITNESS:</p> <p>21 So it could be transported.</p> <p>22 BY MR. OBERTI:</p> <p>23 Q. Well, you're not just running cargo all around</p> <p>24 transporting it, it's eventually being loaded or</p> <p>25 unloaded; right?</p>

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<p>1 A. After we transport it.</p> <p>2 Q. Right. And the only place it gets loaded and</p> <p>3 unloaded is in docks; correct?</p> <p>4 A. That's correct.</p> <p>5 Q. So the only reason, the core company reason that</p> <p>6 the company would be in dock is to load or unload cargo;</p> <p>7 correct?</p> <p>8 MR. GRIFFITH:</p> <p>9 Object to the form.</p> <p>10 BY MR. OBERTI:</p> <p>11 Q. Right?</p> <p>12 A. Yes. That's what we're in the business of doing.</p> <p>13 Q. Okay. And has there ever been any accidents with</p> <p>14 spills as a result of improper loading or unloading at</p> <p>15 Blessey?</p> <p>16 A. Yes.</p> <p>17 Q. Anything catastrophic?</p> <p>18 A. Any spill to the water is considered catastrophic</p> <p>19 in my eyes.</p> <p>20 Q. Have there been such spills at Blessey?</p> <p>21 A. Yes.</p> <p>22 Q. Like how many?</p> <p>23 A. I'm not prepared to answer that question. I</p> <p>24 don't know.</p> <p>25 Q. Did anyone get fired off of them, if you know?</p>	<p>1 A. Hamming it up for the camera.</p> <p>2 Q. Like, what do you mean?</p> <p>3 A. Have you seen the video?</p> <p>4 Q. I don't know if I've seen it. I can't really</p> <p>5 recall what you're talking.</p> <p>6 A. Okay.</p> <p>7 Q. So tell me what you mean, "hamming it up"?</p> <p>8 A. They're hamming it up in front of a video camera</p> <p>9 with the dockman when they're supposed to be loading or</p> <p>10 unloading.</p> <p>11 Q. Okay. What do you mean "hamming it up";</p> <p>12 telling jokes or...</p> <p>13 A. I can't recall exactly what they're doing in the</p> <p>14 video.</p> <p>15 Q. Was there a spill related to that video?</p> <p>16 A. No.</p> <p>17 Q. Was there any incident that somehow harmed the</p> <p>18 company or the customer?</p> <p>19 A. Potentially.</p> <p>20 Q. Any actual harm occur to either the company or</p> <p>21 the customer?</p> <p>22 A. I'm unaware.</p> <p>23 Q. Okay. Now, how is what a tankerman is supposed</p> <p>24 to do while they're on shift communicate to them; in</p> <p>25 writing, or is it all verbal?</p>
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<p>1 A. Yes, tankermen have been fired before for</p> <p>2 spilling cargo.</p> <p>3 Q. Because apparently they did it the wrong way?</p> <p>4 A. Either did it incorrectly or weren't paying</p> <p>5 attention, yes.</p> <p>6 Q. Has anybody other than a tankerman been fired as</p> <p>7 a result of spillage?</p> <p>8 A. Probably.</p> <p>9 Q. Do you know for sure?</p> <p>10 A. No, I don't know for sure. I can't tell you</p> <p>11 right offhand.</p> <p>12 Q. But you do know tankermen have been fired for it</p> <p>13 for sure?</p> <p>14 A. Yes.</p> <p>15 Q. Did you ever see a videotape of Keith Coffin or</p> <p>16 Eric Jones in this case?</p> <p>17 A. I did see it. Not related to this case, but I</p> <p>18 have seen that video.</p> <p>19 Q. Did you see it before this case even existed?</p> <p>20 A. Yes.</p> <p>21 Q. What did you see?</p> <p>22 A. I saw a YouTube video of Keith Coffin and Eric</p> <p>23 Jones at a dock in Birmingham, Alabama with a dockman.</p> <p>24 Q. What were they doing? Obviously the tape speaks</p> <p>25 for itself, but whatever you recall.</p>	<p>1 A. Both.</p> <p>2 Q. What part is in writing?</p> <p>3 A. It would depend. Sometimes captains have a</p> <p>4 specific watch duty list spelled out for each six-hour</p> <p>5 watch that they want done every six-hour watch. Other</p> <p>6 times, it's just verbally communicated to the crews.</p> <p>7 Q. Does Blessey have any sort of policy or practice</p> <p>8 on that?</p> <p>9 A. No, other than the master or the wheelman that's</p> <p>10 on watch is over the crew of the vessel.</p> <p>11 Q. Okay. So it's up to that individual to decide</p> <p>12 whether they want to create a list of duties or not?</p> <p>13 A. Correct.</p> <p>14 Q. If they do, Blessey has never had, to your</p> <p>15 knowledge anyway, any requirement that they mandate they</p> <p>16 somehow retain that list?</p> <p>17 A. No.</p> <p>18 Q. Okay. And have you ever seen such a list</p> <p>19 yourself?</p> <p>20 A. Yes.</p> <p>21 Q. When you were out on the vessel as a tankerman?</p> <p>22 A. Yes, and as a port captain.</p> <p>23 Q. What about as being director of operations?</p> <p>24 A. Yes.</p> <p>25 Q. What is the case that saw it; at your office, or</p>

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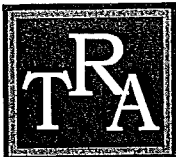
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<p>1 out on a vessel?</p> <p>2 A. Out on a vessel.</p> <p>3 Q. Have any of them come into the office?</p> <p>4 A. No.</p> <p>5 Q. And you're employed at the company's</p> <p>6 headquarters?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. I notice that in your analyses you didn't</p> <p>9 include Freddie McLemore or Eric Jones, and you said you</p> <p>10 didn't do that as a result of being told by Blessey</p> <p>11 Marine's counsel not to include them; correct?</p> <p>12 A. I believe so. What page is that?</p> <p>13 Q. It's Footnote 1 of Exhibit 3 on page two.</p> <p>14 A. What number was it?</p> <p>15 Q. Footnote 1 there.</p> <p>16 A. Footnote 1.</p> <p>17 Q. Right there (indicating).</p> <p>18 A. Okay. Got you.</p> <p>19 Yeah.</p> <p>20 Q. Have you ever run any sort of analysis on Eric</p> <p>21 Jones or Freddie McLemore?</p> <p>22 A. You know what, I can't recall. I'm not sure if I</p> <p>23 did or not.</p> <p>24 Q. Okay. Did anyone tell you why -- and this is</p> <p>25 before May 29th, 2012 -- why you weren't doing an</p>	<p>1 Q. Right. And I'm not trying to be tricky here.</p> <p>2 I'm just saying, do you know whether or not the number</p> <p>3 you came up with has any relevance to who wins or loses</p> <p>4 this lawsuit?</p> <p>5 A. I would assume that it does.</p> <p>6 Q. Well, that would be right, but do you actually</p> <p>7 know?</p> <p>8 A. I'm not involved in a lawsuit. I'm not a lawyer.</p> <p>9 MR. GRIFFITH:</p> <p>10 Are you asking --</p> <p>11 BY MR. OBERTI:</p> <p>12 Q. Is that just an assumption, or did someone tell</p> <p>13 you, "Here's why it's relevant"?</p> <p>14 MR. GRIFFITH:</p> <p>15 Are you asking if he knows the legal</p> <p>16 significance?</p> <p>17 MR. OBERTI:</p> <p>18 Yes, the legal significance.</p> <p>19 BY MR. OBERTI:</p> <p>20 Q. Did anyone tell you what the legal significance</p> <p>21 was?</p> <p>22 MR. GRIFFITH:</p> <p>23 I'm going to object to the form.</p> <p>24 THE WITNESS:</p> <p>25 No, not really.</p>
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<p>1 analysis on them?</p> <p>2 A. If they did, I don't remember.</p> <p>3 Q. Okay. Now, prior to May 29th, 2012, which is</p> <p>4 basically last week sometime, were you aware that the</p> <p>5 percentage -- the numerical percentage of time you claim</p> <p>6 that these claimants spent on cargo transfers, were you</p> <p>7 aware that that conclusion might have anything to do</p> <p>8 with who wins this lawsuit?</p> <p>9 MR. GRIFFITH:</p> <p>10 Object to the form.</p> <p>11 THE WITNESS:</p> <p>12 Not necessarily.</p> <p>13 BY MR. OBERTI:</p> <p>14 Q. What did you think the number was relevant to, if</p> <p>15 anything, or did you know?</p> <p>16 A. I mean, I knew what the number was relevant to.</p> <p>17 Q. Which was?</p> <p>18 A. But I think there's more factors than just -- you</p> <p>19 know, the number isn't a win or lose number. I think</p> <p>20 there's many more aspects to this.</p> <p>21 Q. Okay. What did you believe that number was</p> <p>22 relevant to prior to May 29th, 2012?</p> <p>23 A. It was relevant to the fact that I was asked to</p> <p>24 do an analysis of the hours spent doing cargo transfers,</p> <p>25 so, I mean, I knew the relevance of the number.</p>	<p>1 BY MR. OBERTI:</p> <p>2 Q. Okay. Regarding today's deposition, you are</p> <p>3 partially -- I think I got this right -- partially</p> <p>4 designated on Item Number 4 as a corporate</p> <p>5 representative, which has to do with the issue about</p> <p>6 exclusive contracts.</p> <p>7 MR. GRIFFITH:</p> <p>8 Yes.</p> <p>9 THE WITNESS:</p> <p>10 Okay.</p> <p>11 BY MR. OBERTI:</p> <p>12 Q. If you look at that -</p> <p>13 MR. OBERTI:</p> <p>14 And just for the record, Mr. Grenon is</p> <p>15 looking at the 30(b)(6) notice, and reading Item Number</p> <p>16 4.</p> <p>17 THE WITNESS:</p> <p>18 Sure.</p> <p>19 MR. GRIFFITH:</p> <p>20 And also for the record, Mr. Voss was</p> <p>21 designated yesterday and spoke to some of the billing</p> <p>22 side and those aspects impacted by topic 4. Mr. Grenon</p> <p>23 has also been designated to the extent that it's an</p> <p>24 operations issue related to it.</p> <p>25 BY MR. OBERTI:</p>

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<p>1 Q. I was just curious, what did you know about that?</p> <p>2 A. Specifically?</p> <p>3 Q. Yes.</p> <p>4 A. I mean, what do you mean, what do I know about</p> <p>5 that?</p> <p>6 Q. What do you know about any -- well, first of all,</p> <p>7 does Blessey have exclusive contracts entered into with</p> <p>8 certain of its customers, anything that you guys refer</p> <p>9 to as "exclusive contracts" with any of your customers?</p> <p>10 A. No.</p> <p>11 Q. Okay. You sat through Mr. Voss' testimony</p> <p>12 yesterday --</p> <p>13 A. Yes.</p> <p>14 Q. -- where he said those don't exist?</p> <p>15 A. Yes.</p> <p>16 Q. Do you agree with that?</p> <p>17 A. Yes.</p> <p>18 Q. Are you familiar with the contracts that Blessey</p> <p>19 enters?</p> <p>20 A. Somewhat.</p> <p>21 Q. How so?</p> <p>22 A. I'm somewhat familiar in that I know that we</p> <p>23 don't have any exclusive contracts that forbid us from</p> <p>24 doing business with any other customer.</p> <p>25 Q. But, I mean, have you actually read all of the</p>	<p>1 log on your vessel?</p> <p>2 A. Yes.</p> <p>3 Q. And who filled it out; the captain himself?</p> <p>4 A. Either the captain or the wheelman on watch.</p> <p>5 Q. Okay. And was there any other sort of records</p> <p>6 that you were aware of when you were a tankerman out on</p> <p>7 a vessel for Blessey that were regularly kept in writing</p> <p>8 by Blessey?</p> <p>9 A. No.</p> <p>10 Q. All right. If you look at Exhibit 1 real quick,</p> <p>11 have you ever seen this in your life before?</p> <p>12 A. Yes, I have.</p> <p>13 Q. When did you first see it, if you remember?</p> <p>14 A. Yesterday.</p> <p>15 Q. Did you read the whole thing?</p> <p>16 A. Yeah. Yes.</p> <p>17 Q. Do you know Mr. Tom McWhorter?</p> <p>18 A. I do.</p> <p>19 Q. How do you know him?</p> <p>20 A. In the industry. I've bumped into him at some</p> <p>21 industry functions when I worked at Florida Marine</p> <p>22 Services.</p> <p>23 Q. Has Blessey ever done business with Mr. McWhorter</p> <p>24 before or any other company he's associated with?</p> <p>25 A. Not that I know of.</p>
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<p>1 contracts that Blessey enters?</p> <p>2 A. No.</p> <p>3 Q. Who negotiates those contracts?</p> <p>4 A. Our marketing guys and, specifically, Walter</p> <p>5 Blessey and Clark Todd.</p> <p>6 Q. Like how many customers, roughly, does Blessey</p> <p>7 have?</p> <p>8 MR. GRIFFITH:</p> <p>9 I'm going to object to the form.</p> <p>10 I mean, if you know, you can answer.</p> <p>11 THE WITNESS:</p> <p>12 I mean, roughly, 15 customers.</p> <p>13 BY MR. OBERTI:</p> <p>14 Q. Okay. These are typically big companies, like</p> <p>15 Shell, Exxon Mobil, that sort of thing?</p> <p>16 A. Typically, but we also deal with some traders.</p> <p>17 Q. Some traders?</p> <p>18 A. Yes.</p> <p>19 Q. Okay. When you were a tankerman out on a vessel,</p> <p>20 did you ever have any responsibility for maintaining the</p> <p>21 captains' logs --</p> <p>22 A. No.</p> <p>23 Q. -- either handwritten or typed ones?</p> <p>24 A. No.</p> <p>25 Q. Okay. Were you aware that there was a captain's</p>	<p>1 Q. Okay. He says here on page 4 of 23, he says --</p> <p>2 under Conclusion Number 2, he says -- I guess it's the</p> <p>3 third sentence, he says, "Simply put, if the barge is</p> <p>4 not loaded correctly, it could compromise it's</p> <p>5 seaworthiness condition, at which point it could not</p> <p>6 service it's intended purposes as a transportation</p> <p>7 vessel for the cargo"; correct?</p> <p>8 A. Yes.</p> <p>9 Q. And I think you agree with that, and that's why</p> <p>10 you say that even cargo transfers themselves are a</p> <p>11 seaman's work?</p> <p>12 A. Yes.</p> <p>13 Q. And that would be the same logic that you have</p> <p>14 for why any of the work associated with preparing the</p> <p>15 barges for loading and unloading would be seaman's work?</p> <p>16 A. That's correct.</p> <p>17 Q. Same argument for why any of the duties that we</p> <p>18 ticked off associated with maintaining the heaters or</p> <p>19 doing a barge inspection would also be considered, in</p> <p>20 your mind, seaman's work?</p> <p>21 MR. GRIFFITH:</p> <p>22 Object to the form.</p> <p>23 THE WITNESS:</p> <p>24 They all lend to the seaworthiness of</p> <p>25 the vessel.</p>

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<p>1 BY MR. OBERTE: 2 Q. Okay. Even with the loading and unloading 3 itself? 4 A. That lends to the seaworthiness of the vessel, 5 yeah, absolutely. 6 Q. Right. All right. Exhibit Number 2, you signed 7 off on this report regarding Mr. Coffin on June 30th, 8 2011; correct? It's on page six. 9 A. Page six? 10 Q. Yes. 11 A. Yes. June 30th, 2011. 12 Q. Do you know when you actually finished your 13 analysis itself? 14 A. No, I don't. 15 Q. I think you said before you actually came up with 16 the number, in this case, 13 percent, and then later on, 17 Mr. Bethune came back to you with the actual declaration 18 to sign; right? 19 A. Correct. 20 Q. Do you know how much time passed roughly between 21 you coming up with the percentage and then the 22 declaration being signed? 23 A. No, I don't. 24 Q. Days, weeks, any idea? 25 A. I have no idea.</p>	<p>1 Q. Do you know the areas in America in which Blessey 2 operates? 3 A. Yes, I do. 4 Q. Obviously the Mississippi River; right? 5 A. Yes. 6 Q. And what other tributaries or rivers? 7 A. The Arkansas, the Black Warrior. 8 Q. Black Warrior? 9 A. Yes. 10 Q. Where is that? 11 A. Alabama. 12 Q. Okay. 13 A. The Alabama River, the Tenn-Tom, Tombigbee, the 14 Allegheny, Sam Bernard, Colorado, ICW, the ICW East. 15 Q. What states? 16 A. Texas, Alabama, Arkansas, Oklahoma, Mississippi, 17 Tennessee, Kentucky, Illinois, Indiana, Ohio, West 18 Virginia, Pennsylvania, Minnesota, Wisconsin, Iowa, 19 Florida. I think that's... 20 Q. Nothing in New York or California? 21 A. And Louisiana. 22 Q. I'm sorry. And Louisiana. 23 A. No New York. What was the other question? 24 Q. Nothing in California? 25 A. No.</p>
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<p>1 Q. Okay. Now, do you remember the name of the 2 vessel or vessels that you were assigned to when you 3 were a tankerman at Blessey? 4 A. I do. 5 Q. What were they? 6 A. Motor Vessel Laney Blessey, Motor Vessel Laura 7 Anne Blessey, Motor Vessel, Lamar B. Hirsch, and I 8 believe that was it as a tankerman. 9 Q. Is there -- I assume all 62 of the Blessey 10 Vessels have some name associated with them? 11 A. Yes. Every boat has a name. 12 Q. And each name is also the name of an actual human 13 being? 14 A. No, not necessarily. 15 Q. Oh, there are some that are named after something 16 else? 17 A. We have some that are named after dogs. 18 Q. They're all named after living or once living 19 organism? 20 A. I have to think about that, but I believe so. 21 Q. None named after you yet? 22 A. None named after me. 23 Q. But the barges aren't named anything, they're 24 just the WEB and the number or letter? 25 A. Strictly a number or letter designation.</p>	<p>1 Q. Nothing up the West Coast? 2 A. Nothing up the West Coast. 3 Q. Do other tow boat companies operate in those 4 areas? 5 A. Yes. 6 Q. Why did you guys decide to focus on especially 7 what appears to be more or less -- what would you call 8 it; the Mississippi? 9 A. Distributaries. 10 Q. That's what you guys focus on? 11 A. Yes. 12 Q. And as I understand it, some of the hauls that 13 y'all do could take like a couple of weeks or more; 14 correct? 15 A. Correct. 16 Q. So a tankerman is on a vessel with barges and not 17 doing any loading or unloading for two weeks or more; 18 correct? 19 A. That's correct. 20 Q. And I'm assuming that would typically be a pretty 21 long haul? 22 A. Yes. 23 Q. For example, somewhere from like Mississippi up 24 to Joliet, Illinois? 25 A. Yes.</p>

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<p>1 Q. But other vessels focus more on shorter hauls?</p> <p>2 A. It really depends. It depends on the boat.</p> <p>3 Q. Well, I guess my question is, does the same</p> <p>4 vessel typically run the same routes over and over</p> <p>5 again, or are they mixed up?</p> <p>6 A. We have some different classifications of</p> <p>7 vessels. Normally the boats there are going to run up</p> <p>8 north are going to be of a bigger horsepower, say, above</p> <p>9 2000 horsepower.</p> <p>10 Q. Okay. Is there anything in the name of the boat</p> <p>11 that would indicate it's horsepower?</p> <p>12 A. No.</p> <p>13 Q. How would you know it's horse power?</p> <p>14 A. By looking at an equipment list.</p> <p>15 Q. When you say MV, like MV Laura Ann Blessey, "MV"</p> <p>16 means motor vessel?</p> <p>17 A. Yes.</p> <p>18 Q. What is a motor vessel?</p> <p>19 A. A motor vessel is a vessel that's propelled by</p> <p>20 motors.</p> <p>21 Q. Okay.</p> <p>22 A. Diesel powered.</p> <p>23 Q. Are all Blessey's vessels motor vessels?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. So --</p>	<p>1 their tow?</p> <p>2 A. It happens.</p> <p>3 Q. So I guess as a general matter, you're agreeing</p> <p>4 that Blessey has some typically more high-powered tow</p> <p>5 boats that operate these long hauls, multi-day,</p> <p>6 multi-week hauls, then there's other ones that may run</p> <p>7 from Louisiana to Texas more regularly; right?</p> <p>8 A. That's right; correct.</p> <p>9 MR. GRIFFITH:</p> <p>10 Object to the form.</p> <p>11 BY MR. OBERTI:</p> <p>12 Q. Okay. And you haven't done obviously an analysis</p> <p>13 of the percentage of time that a worker spends</p> <p>14 performing what you define as cargo transfers, other</p> <p>15 than the claimants in this case; right?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. So as you sit here today under oath, you</p> <p>18 can't categorically say that any particular tankerman --</p> <p>19 or that no tankerman at Blessey has ever regularly spent</p> <p>20 more than 20 percent of their time on what you call</p> <p>21 cargo transfers; can you?</p> <p>22 MR. GRIFFITH:</p> <p>23 Object to the form.</p> <p>24 THE WITNESS:</p> <p>25 I can only speak to the guys that I</p>
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<p>1 A. As well as our barges, but they're not considered</p> <p>2 motor vessels, but they're vessels as well.</p> <p>3 Q. Sure. Meaning they can navigate within water?</p> <p>4 MR. GRIFFITH:</p> <p>5 I'm going to object to the form.</p> <p>6 THE WITNESS:</p> <p>7 Yeah. They have paperwork spelling out</p> <p>8 what waterways they can run.</p> <p>9 BY MR. OBERTI:</p> <p>10 Q. Sure. But on that point, the only time a vessel,</p> <p>11 at least intentionally, from Blessey's perspective, is</p> <p>12 moving down the river is when it's connected to an</p> <p>13 actual tow boat; true?</p> <p>14 MR. GRIFFITH:</p> <p>15 Object to the form.</p> <p>16 THE WITNESS:</p> <p>17 Correct. A barge is moved by a towing</p> <p>18 vessels.</p> <p>19 BY MR. OBERTI:</p> <p>20 Q. You would hope they're never just floating off by</p> <p>21 themselves?</p> <p>22 A. You would hope so.</p> <p>23 Q. That would be a bad thing?</p> <p>24 A. That wouldn't be a good thing.</p> <p>25 Q. Does that happen, that they get disconnected from</p>	<p>1 looked at.</p> <p>2 BY MR. OBERTI:</p> <p>3 Q. Okay. How long have you been -- you've been the</p> <p>4 director of operations since 2010?</p> <p>5 A. Yes.</p> <p>6 Q. When did you get that job; October?</p> <p>7 A. I think October.</p> <p>8 Q. Okay. And generally speaking, what are the</p> <p>9 duties and responsibilities of the director of ops at</p> <p>10 Blessey?</p> <p>11 A. I oversee the day-to-day operations of all of the</p> <p>12 vessels and the vessel employees.</p> <p>13 Q. Okay.</p> <p>14 A. I oversee the personnel department and the crew</p> <p>15 changes.</p> <p>16 Q. Does Reggie Barnes report to you?</p> <p>17 A. No.</p> <p>18 Q. When you say you oversee the personnel</p> <p>19 department, does somebody in there report to you?</p> <p>20 A. Yes.</p> <p>21 Q. Who?</p> <p>22 A. Rick Pumphrey.</p> <p>23 Q. Humphrey or Pumphrey?</p> <p>24 A. Pumphrey, with a "P". He's my personnel</p> <p>25 manager -- our personnel manager.</p>

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<p>1 Q. Does Reggie Barnes report to Pumphrey?</p> <p>2 A. No.</p> <p>3 Q. Do they have some sort of relationship in an</p> <p>4 organizational scheme?</p> <p>5 A. We all do.</p> <p>6 Q. Right. What's Reggie's relationship to Pumphrey?</p> <p>7 A. Reggie Barnes is the HR manager.</p> <p>8 Q. Is he in the personnel department?</p> <p>9 A. No.</p> <p>10 Q. Different department?</p> <p>11 A. Different department.</p> <p>12 Q. You don't supervise the HR department; do you?</p> <p>13 A. No.</p> <p>14 Q. I'm sorry. You're in charge of day-to-day</p> <p>15 operation of the vessels and their crews, the personnel</p> <p>16 department, crew changes, what else?</p> <p>17 A. That's pretty much the gist of it.</p> <p>18 Q. It's fair to say that as part of your job as</p> <p>19 director of operations, it's not been regularly</p> <p>20 something you focus on as -- something you've regularly</p> <p>21 focused on is not the percentage of time tankermen</p> <p>22 perform doing any particular duty; right?</p> <p>23 A. Can you ask that question again?</p> <p>24 Q. Yes.</p> <p>25 Blessey and you specifically, as director of</p>	<p>1 Blessey's policy requires that be on captains' logs;</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. But is it accurate to say you don't know what the</p> <p>5 law requires?</p> <p>6 A. No. I know what the law requires. I can't</p> <p>7 repeat it to you verbatim.</p> <p>8 Q. Is there anything in addition to what you said</p> <p>9 Blessey requires?</p> <p>10 A. No.</p> <p>11 Q. Is there anything, to your knowledge, that</p> <p>12 Blessey requires that the law doesn't require?</p> <p>13 A. No.</p> <p>14 Q. Do you know what law you're actually referring</p> <p>15 to?</p> <p>16 A. No, I couldn't tell you which law it is.</p> <p>17 Q. So how do you know about this law?</p> <p>18 MR. GRIFFITH:</p> <p>19 Object to the form.</p> <p>20 Are you asking for a citation to the</p> <p>21 law?</p> <p>22 MR. OBERTI:</p> <p>23 No. I'm saying how does he know what</p> <p>24 the law is?</p> <p>25 BY MR. OBERTI:</p>
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<p>1 operations, as part their day-to-day operation of thee</p> <p>2 business don't regularly focus on the percentage of</p> <p>3 working time tankermen spend doing any particular duty;</p> <p>4 correct?</p> <p>5 A. That's correct.</p> <p>6 Q. Now, you say here in Exhibit Number 3, paragraph</p> <p>7 number 4, you say that, "It is Blessey Marine's policy</p> <p>8 consistent with the logs to maintain accurate captains'</p> <p>9 logs regarding vessel activity; correct?</p> <p>10 A. Where is this? Exhibit 3?</p> <p>11 Q. Paragraph number 4 of Exhibit 3.</p> <p>12 MR. GRIFFITH:</p> <p>13 Page 2.</p> <p>14 THE WITNESS:</p> <p>15 Read it again. I'm sorry.</p> <p>16 MR. OBERTI:</p> <p>17 It's the second sentence.</p> <p>18 THE WITNESS:</p> <p>19 Okay. Yes.</p> <p>20 BY MR. OBERTI:</p> <p>21 Q. It says, "It is Blessey's Marine's policy</p> <p>22 consistent with the logs to maintain accurate captains'</p> <p>23 logs regarding vessel activity"; correct?</p> <p>24 A. That's correct.</p> <p>25 Q. Earlier today you testified you know what</p>	<p>1 Q. I mean, how did how did you find out about it?</p> <p>2 Did somebody tell you?</p> <p>3 A. I guess I was trained.</p> <p>4 Q. Why who?</p> <p>5 A. By the captains that I worked with.</p> <p>6 Q. Okay. Did they train you what the law was?</p> <p>7 A. Every time I've been board by the Coast Guard,</p> <p>8 they did have a problem with the logs that they saw,</p> <p>9 so...</p> <p>10 Q. Okay. Then you say in Number 5, "All of the</p> <p>11 cargo transfers performed by the crews aboard Blessey</p> <p>12 Marine's vessels are reported in each vessel captain's</p> <p>13 law"; correct?</p> <p>14 A. Uh-huh.</p> <p>15 Q. Yes?</p> <p>16 A. Yes.</p> <p>17 Q. "But given the thousands of cargo transfers</p> <p>18 performed by Blessey annually, it is conceivable that on</p> <p>19 rare occasions, a cargo transfer for the customer on a</p> <p>20 dock might not be recorded on a captain's log"; correct?</p> <p>21 A. It's conceivable.</p> <p>22 Q. Okay. Then you say, "Based on my analysis of</p> <p>23 captains' logs in connection with the preparation of the</p> <p>24 analysis contained in this Supplemental Declaration, I</p> <p>25 have been unable to identify any instance in which this</p>

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<p>1 occurred on a vessel in which a plaintiff was based";</p> <p>2 correct?</p> <p>3 A. Correct.</p> <p>4 Q. To be fair, you didn't even look for that; right?</p> <p>5 That wasn't part of your job, was to identify or</p> <p>6 determine whether or not you can identify such a</p> <p>7 situation; was it?</p> <p>8 MR. GRIFFITH:</p> <p>9 Object to the form.</p> <p>10 THE WITNESS:</p> <p>11 I could certainly tell by looking at</p> <p>12 the -- I could tell by looking at the logs. I didn't</p> <p>13 identify any areas where a transfer could have been done</p> <p>14 and not been recorded in a log.</p> <p>15 BY MR. OBERTI:</p> <p>16 Q. Well, how would you know? Just from the</p> <p>17 captains' logs you wouldn't know; right? That's the</p> <p>18 whole point, if it's not on the captains' logs, you</p> <p>19 wouldn't know; right?</p> <p>20 A. If it's not on the captains' logs, then it didn't</p> <p>21 happen.</p> <p>22 Q. But you say it's conceivable that on rare</p> <p>23 occasions it could happen and not been captain's log;</p> <p>24 right? That's what you said; right?</p> <p>25 A. That's what I said, yes.</p>	<p>1 A. 2012.</p> <p>2 Q. Okay. What was the percentage of the raise?</p> <p>3 A. I don't remember.</p> <p>4 Q. But what were you making before you were</p> <p>5 making --</p> <p>6 A. I don't remember. I make around \$125,000 a year.</p> <p>7 Q. Okay. Did you receive a bonus in 2012?</p> <p>8 A. Yes, I did.</p> <p>9 Q. What was the amount of the bonus?</p> <p>10 A. I think it was \$13,000.</p> <p>11 Q. Is that the same bonus that tankermen are</p> <p>12 eligible for as well?</p> <p>13 A. No.</p> <p>14 Q. What bonus is that that you're eligible for?</p> <p>15 A. My bonus is depending on what the president and</p> <p>16 the COO of the company decide to give me.</p> <p>17 Q. Okay. So it's a discretion-based, merit-based</p> <p>18 bonus?</p> <p>19 A. I don't know what they base it on. I'm not privy</p> <p>20 to that information.</p> <p>21 Q. Okay. The tankermen, are they eligible for</p> <p>22 bonuses?</p> <p>23 A. Yes, they are.</p> <p>24 Q. What's that based upon?</p> <p>25 A. It's based upon a number of things. It's based</p>
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<p>1 Q. I'm not trying to trick you with my question, but</p> <p>2 as part of your declaration here, Exhibit 3, you didn't</p> <p>3 make it your mission to go --</p> <p>4 A. That wasn't my mission, no.</p> <p>5 Q. You've got to let me finish. I know you know</p> <p>6 where I'm coming from, just for the court reporter.</p> <p>7 It wasn't part of your mission to go and</p> <p>8 investigate and confirm whether or not a cargo transfer</p> <p>9 ever occurred that wasn't on a captain's log; correct?</p> <p>10 A. Correct.</p> <p>11 MR. GRIFFITH:</p> <p>12 Object to the form.</p> <p>13 BY MR. OBERTI:</p> <p>14 Q. Now, when you were you a relief captain?</p> <p>15 A. 1998, '99.</p> <p>16 Q. Okay. For how long?</p> <p>17 A. Eighteen months.</p> <p>18 Q. All right. And what's your current pay from</p> <p>19 Blessey?</p> <p>20 A. I think it's \$125,000 a year.</p> <p>21 Q. You get paid a salary?</p> <p>22 A. Yes, I do.</p> <p>23 Q. When was the last time you got a raise?</p> <p>24 A. April the 1st.</p> <p>25 Q. Of two-thousand...</p>	<p>1 upon safety of the specific boat that they were assigned</p> <p>2 to. There's a cost control portion of it, where the</p> <p>3 boat that they're on, if they stay under budget on</p> <p>4 certain items, then there's a profit-sharing bonus, and</p> <p>5 that profit-sharing bonus is basically just based on a</p> <p>6 discretionary amount that the owner of the company</p> <p>7 decides to give out.</p> <p>8 MR. GRIFFITH:</p> <p>9 And I just want to note for the record,</p> <p>10 he's not been designated for that topic, so I don't have</p> <p>11 a problem with him testifying to the best of his</p> <p>12 knowledge, but I don't want to suggest that he's</p> <p>13 speaking for them company in case he leaves something</p> <p>14 out.</p> <p>15 BY MR. OBERTI:</p> <p>16 Q. So when you were a tankerman, you received a day</p> <p>17 rate; correct?</p> <p>18 A. That's correct.</p> <p>19 Q. Did you get a per diem, that you recall?</p> <p>20 A. Not that I remember.</p> <p>21 Q. Do the tankermen at Blessey now receive a per</p> <p>22 diem?</p> <p>23 A. Yes, they do.</p> <p>24 Q. And is that all rolled into what the company</p> <p>25 calls the day rate?</p>

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<p>1 A. Yes.</p> <p>2 Q. And do the tankermen have to spend money out of</p> <p>3 or their own pocket for food while they're on duty?</p> <p>4 A. Not if they don't want to.</p> <p>5 Q. Because?</p> <p>6 A. Because food is provided on the boat.</p> <p>7 Q. Who pays for the food?</p> <p>8 A. Blessey Marine.</p> <p>9 Q. Where do y'all get it?</p> <p>10 A. Depends on where they're at. We get it from a</p> <p>11 grocery vendor.</p> <p>12 Q. Oh, okay. Does somebody from the grocery store</p> <p>13 come deliver the food?</p> <p>14 A. It depends. Sometimes they do. Other times, the</p> <p>15 crew goes to the grocery store and go shopping</p> <p>16 themselves.</p> <p>17 Q. Just take a cab?</p> <p>18 A. Take a cab, take a crew truck, take a driver.</p> <p>19 Q. Does Blessey have crew trucks at these ports?</p> <p>20 A. We have a truck that's available for use in</p> <p>21 Houston.</p> <p>22 Q. Okay. And obviously the tankermen don't incur</p> <p>23 any personal expense charge for lodging expenses, while</p> <p>24 they're on duty at Blessey; do they?</p> <p>25 A. No.</p>	<p>1 knowledge anyway, on permissible expenditures to</p> <p>2 Blessey?</p> <p>3 A. Not to my knowledge.</p> <p>4 Q. Do y'all require the tankermen to turn in any</p> <p>5 evident of expenses that they've incurred in order to</p> <p>6 justify the per diem?</p> <p>7 MR. GRIFFITH:</p> <p>8 I'm going to lodge another objection,</p> <p>9 because, again, he's not been designated to speak on</p> <p>10 this topic. My understanding is that you didn't intend</p> <p>11 to question any witnesses on this topic. I know you</p> <p>12 questioned Mr. Voss at length about it yesterday, so</p> <p>13 Blessey stands by that testimony. Now, if Mr. Grenon</p> <p>14 knows something personally, speaking on his own behalf,</p> <p>15 I'm not going to shut down the deposition over that. I</p> <p>16 just want to be clear that he's not testifying on behalf</p> <p>17 of the company here. If he knows, he can testify on his</p> <p>18 own accord.</p> <p>19 MR. OBERTI:</p> <p>20 Okay. That's fine.</p> <p>21 BY MR. OBERTI:</p> <p>22 Q. I mean, as director of operations, I assume you</p> <p>23 know these things; right?</p> <p>24 MR. GRIFFITH:</p> <p>25 Object to the form.</p>
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<p>1 Q. Their living quarters are provided for them?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Is there anything else that Blessey</p> <p>4 provides to the tankermen while they're on their hitch,</p> <p>5 you know, other than food and living quarters, like</p> <p>6 shampoo, soap, that sort of thing?</p> <p>7 A. No. That's provided by them.</p> <p>8 Q. Okay. Do you know whether or not they actually</p> <p>9 buy that when they're buying groceries?</p> <p>10 MR. GRIFFITH:</p> <p>11 Object to the form.</p> <p>12 THE WITNESS:</p> <p>13 I don't know.</p> <p>14 BY MR. OBERTI:</p> <p>15 Q. Would that be against Blessey's policy if they</p> <p>16 did?</p> <p>17 A. They would normally pay for that themselves.</p> <p>18 Q. But my question is, if the crew went to a dock,</p> <p>19 decided they were low on food, so they took a cab down</p> <p>20 to the grocery store, and while they're in the grocery</p> <p>21 store, they said, "Hey, dude, pick up a tube of</p> <p>22 toothpaste," would that be a violation of any Blessey</p> <p>23 written policy?</p> <p>24 A. I don't know if that's a written policy or not.</p> <p>25 Q. Do y'all have any policy in writing, to your</p>	<p>1 THE WITNESS:</p> <p>2 What things?</p> <p>3 BY MR. OBERTI:</p> <p>4 Q. Whether or not a tankerman has to turn in</p> <p>5 receipts or some sort of evidence before they can get</p> <p>6 paid their per diem.</p> <p>7 A. Not that I'm aware of.</p> <p>8 Q. Is the per diem \$47 dollars a day?</p> <p>9 A. I don't know.</p> <p>10 Q. Do you oversee the payroll department?</p> <p>11 A. No.</p> <p>12 Q. Is the payroll department within the personnel</p> <p>13 department?</p> <p>14 A. No.</p> <p>15 Q. Okay. What is a tankerman trainee?</p> <p>16 A. Tankerman trainee is a guy who's training to</p> <p>17 become a tankerman.</p> <p>18 Q. As far as the actual duties associated with</p> <p>19 transferring cargo, can a tankerman trainee do them?</p> <p>20 A. He can basically do everything, except sign the</p> <p>21 DOI, under supervision of a turned-loose tankerman.</p> <p>22 Q. Okay. All right. Exhibit Number 4, I'm assuming</p> <p>23 you've never read this affidavit of Keith Coffin before?</p> <p>24 A. No. I've read it.</p> <p>25 Q. Okay. When did you read it?</p>

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